(29)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Cr.R. 433/07

आदेश पत्रक

मामला क्रमांक CRR 1230 सन् 2007

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA,J.

APPLICANT Tarachand Agrawal, aged about 40 years, so of shri Lalchand Agrawal, resident of villag Kejru, Tehsil Seetapur, District Surguja (C.G.

Vs.

RESPONDENTS

1. State of Chhattisgarh, through the Secretar Food and Civil Supply Department, Da Kalyan Singh Bhawan, Raipur (C.G.)
2. Collector, Distt. Jashpur (C.G.)
3. The Fool Inspector, Tehsil Patthalgaon, Dis Jashpur (C.G.)

14-8-2007

Shri A.N. Bhakta, Advocate for the applicant.
Shri Neeraj Mehta, Panel Lawyer for the State.

This is second criminal revision against the order dated 21-8-2007 of Annexure A-2 passed by learned Sessions Judge, Raigarh in Criminal Appeal No. 164/2001 whereby order of confiscation of groundnut dated 9-7-2001 passed by the Collector, Jashpurnagar in Food Case No. 33/99 has been confirmed. The earlier criminal revision No. 485/2002 was dismissed by this Court for want of prosecution on 19-2-2007.

From perusal of the impugned order, it appears that the groundnut weighing 30.48 quintals was seized from the house of one Chatursai, 2.89 quintals was seized from the house of Shivchand Paikra and 19.92 quintals was seized from the house of Jaidayal and thus total 53.39 quintals of groundnut was seized from the house of three farmers, who in their statement stated that the same belonged

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr. R. No. (RP) - 1230/2007 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to the present petitioner. Since the petitioner did not have any licence under the Madhya Pradesh Scheduled Commodities Dealers (Licensing And Restriction on Hoarding) Order, 1991 (for short, hereinafter referred as the order of 1991) and he in violation of Class 3(i) of the Order of 1991, stored the groundnut in excess of 30 quintals, proceedings for confiscation was initiated under Section 6A of the Essential Commodities Act. The Collector issued show cause notice to the present petitioner. The petitioner in reply to the above notice, submitted that he entered into an agreement to purchase the above foodstuff in anticipation of grant of licence as he had already applied for the licence, however subsequently, the farmers refused sell the groundnut just a day before the enquiry. The licensing authority- Collector after recording statements of the farmers Chatursai, Shivchand Paikra and Jaidayal, passed the order of confiscation which has been subsequently confirmed by the learned Additional Sessions Judge by the impugned order passed in appeal under Section 6 C of the Essential Commodities Act.

Both the Courts below have recorded a finding of fact that the groundnut in question was belonging to the petitioner who had purchased the same and stored in the houses of Chatursai, Shivchand Paikra and Jaidayal. The above finding is the finding of fact and there is no jurisdictional error.

The revision being devoid of substance, is liable to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

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